

REMARKS

In the Office Action, claims 1-9, 11-14, 22-31, 68-75 and 77-79 are rejected under 35 U.S.C. § 102; and claims 15-17, 31, 34-36, 41-44 and 46-51 are rejected under 35 U.S.C. § 103. Claims 83-107 have been newly added. Claims 1-32 and 34-82 have been canceled without prejudice or disclaimer. Applicants believe that the rejections have been overcome as detailed below.

At the outset, claims 10, 32, and 45 have been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. See, Office Action, page 9. In response, Applicants have added new claims 83-85. Claim 83 essentially includes the claimed subject matter as defined in independent claims 1 and 10; claim 84 essentially includes the subject matter as defined in claims 31 and 32; and claim 85 essentially includes the subject matter as defined in claims 41 and 45. Claims 10, 32 and 45 have been cancelled without prejudice or disclaimer in view of same. Accordingly, new claims 83-85 should be rendered allowable. Claim 33 in its independent form as originally filed has been allowed as well.

Further, Applicants have cancelled claims 1-32 and 34-82 without prejudice or disclaimer as previously discussed. Therefore, the anticipation and/or obviousness rejections with respect to same should be rendered moot and thus withdrawn.

Applicants have also added new claims 86-107. No new matter has been added thereby. Applicants believe that the subject matter as defined by claims 86-107 is patentable over the cited art of record.

Of these claims, claims 86 and 98 are the sole independent claims. Claim 86 recites a semiconductor light-emitting device. The device includes a substrate; a crystal layer that includes a crystal surface oriented along a crystal surface plane diagonally intersecting a substrate surface plane; and a first conductive layer, an active layer and a second conductive layer wherein each of these layers is parallel to the crystal layer and formed along at least a portion of the crystal layer and wherein the shape of the crystal layer is a pyramid. Claim 98 recites a semiconductor light-emitting device. The device includes a substrate that includes a substrate surface plane; a mask on the substrate wherein the mask includes an opening; a crystal layer that is positioned on the opening of the mask wherein the crystal layer includes a crystal

surface oriented along a crystal surface plane diagonally intersecting the substrate surface plane; and a first conductive layer, an active layer and a second conductive layer wherein the first conductive layer, the active layer and the second conductive layer are each parallel to the crystal layer and each are formed along at least a portion of the crystal layer and each terminate at the mask.

Applicants believe that the cited art of record, even if combinable, is distinguishable from the subject matter as defined by claims 86-107. For example, the emphasis of the Hata reference (US6320209) relates to a semiconductor light emitting device that is formed by a crystal growth process that utilizes both a conductive selective growth mask 104 and insulating selective growth mask 110. In this regard, a GaN current-blocking layer 105 can be formed only above the areas in which the underlying n-type GAN contact layer 103 is exposed. Subsequently, the n-type cladding layer 106 is formed so as to cover the high-resistance GaN current-blocking layer 105 including the opening 144 of the conductive selective growth mask 104. Other layers (e.g., 106-111) are subsequently sequentially formed on the cladding layer 106. See, Hata, col. 5, lines 19-58. As is evident from Figure 1, in Hata, for example, this provides a structure that is different from the semiconductor light-emitting device as claimed in claims 86 and 98 and as further supported and illustrated in the specification in Figures 16 and 9, respectively. Moreover, claim 99 recites that the mask is an insulate mask where, again, Hata utilizes both conductive and insulating masks.

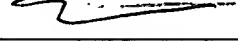
With respect to the Furukawa reference (US5981977), the main emphasis of this reference relates to a nitride compound semiconductor burying layer that overlays the mask layer and the active layer to cover the active layer. By selectively growing the buffer layer and the active layer in the opening of the mask layer formed on the substrate and by growing additional layers to bury the entire structure and to flatten the surface, a planar-type, stripe-buried structure is realized. See, Furukawa, Abstract. This structure is clearly different than the structure of the semiconductor light-emitting device as claimed. Moreover, Furukawa provides that the second conductive layer does not terminate on the surface of the mask in further contrast to claim 98. See, Furukawa, Figure 4D, 131 and 132 layer, for example. Applicants do not believe that the remaining cited references can remedy the deficiencies of Hata and Furukawa. Therefore,

Applicants believe that the cited art fails to anticipate and render obvious the claimed invention as defined by claims 86-107 for at least these reasons.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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